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Commission on the Limits of the Continental Shelf

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United Nations Convention on the Law of the Sea and the delineation of the continental shelf: opportunities and challenges for States

Open meeting of the Commission on the Limits of the Continental Shelf, held at United Nations Headquarters on 1 May 2000

Introductory statement by the Chairman of the Commission

1. Open meeting

1. As Chairman of the Commission on the Limits of the Continental Shelf, I would like to welcome all of you to the first open meeting of the Commission, which is being held in accordance with rule 22 of the Rules of Procedure of the Commission.

2. Before going into detail about the Commission itself, I would like to say a few words about the purpose of this meeting.

3. This open meeting is held with the aim of flagging the most important and challenging issues related to the establishment of the continental shelf beyond 200 nautical miles (hereinafter referred to as "miles") and to give an opportunity for the Commission's members to present their views on those challenges.

4. This open meeting is also intended to give a general indication to policy makers and legal advisers of the benefits that a coastal State may derive from implementing the provisions of article 76 of the United Nations Convention on the Law of the Sea.

5. It is especially intended to explain to the experts in marine sciences who are involved in the preparation of submissions how the Commission considers that its Scientific and Technical Guidelines should be applied in practice.

6. Before going into more technical detail, let us consider important background information about the Commission.

2. What is the Commission on the Limits of the Continental Shelf?

7. The Commission on the Limits of the Continental Shelf is an international institution created by the *1982 United Nations Convention on the Law of the Sea* to facilitate the implementation of the Convention in respect of the establishment of a line delineating the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

8. The Convention, which entered into force on 16 November 1994 and which now has 131 States and one international organization as Parties, *constitutes the comprehensive international legal framework* for the uses of the oceans and their resources, including those related to the continental shelf.

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3. What is meant by the term "continental shelf"?

9. At present, under the Convention and under current international law, "the continental shelf" is a *juridical or legal term* to define a submarine area where the coastal State exercises sovereign rights for the purpose of exploring the seabed and subsoil thereof and exploiting its natural resources.

10. The importance of the resources which may be exploited must not be underestimated: the continental shelf area will in future be the main source of oil and gas supplies for mankind. For example, in 2000, it is estimated that expected offshore oil production will be 1.23 billion tons, and natural gas, 650 billion cubic metres.

11. It should be noted that the *legal term* "continental shelf" used throughout the Convention *does not coincide with the geographic or geological continental shelf*, which is generally a shallow-water offshore plain area, and the furthest landward of three elements of the continental margin. The continental slope and the continental rise are the other two elements. There is wide variation in the structure of the continental margins throughout the world and in the breadth of their various elements: shelf, slope and rise.

12. The *legal* term "continental shelf" in the Convention *includes all three elements of the geographic continental margin (shelf, slope and rise)*. This holds true in cases where the margin extends beyond 200 miles.

13. The Convention provides a methodology for determining the outer edge of the continental margin composed of *two alternative formulae*. It also establishes *two alternative constraints* for the application of these methods to ensure that they will not extend the legal continental shelf seaward endlessly.

14. The effect of the provisions of the Convention is that practically all seabed oil and natural gas resources will fall under the control of coastal States.

4. Why is there a need for the Commission?

15. Although the concept of the continental shelf in the Convention is a legal or juridical one, *the basic points of departure* and the terms used in the criteria for defining the outer limits of the continental margin *are scientific: geodetic, geologic, geophysical or hydrographic*.

16. The Convention does not provide any definitions of these scientific terms. Owing to the variations of ocean floor morphology and structure, all the Convention's terms may be subject to scientific interpretation and their application may not be uniform for different areas of the oceans.

17. Therefore, it was felt that an international expert body, namely, the Commission, was required for two purposes: to verify the outer limits of the continental shelf beyond 200 miles proposed by States on the basis of the formula contained in the provisions of the Convention, and to provide appropriate scientific and technical advice to States if requested.

5. What is the present status of the Commission's work?

18. During the six sessions that have been held since the establishment of the Commission in March 1997, the Commission has prepared the basic documents needed for handling the receipt and consideration of submissions by coastal States, as well as for assisting States in preparing their submissions.

19. *The Commission is currently prepared both to accept submissions from coastal States and to provide any scientific and technical advice that States preparing submissions may wish to obtain.*

6. There is a time limit for establishing the continental shelf beyond 200 miles.

20. According to article 4 of Annex II to the Convention, a coastal State shall submit its proposal for establishment of its continental shelf beyond 200 nautical miles to the Commission within 10 years of the entry into force of the Convention for that State.

21. In 1995, at the Third Meeting of States Parties to the Convention, it was agreed that should any State, which was already a Party to the Convention by 16 May 1996, be affected adversely by the late establishment of the Commission, the 10-year time period may be extended for that State at its request, should the Meeting of States Parties so decide.

22. Nevertheless, for the majority of States the cut-off date will still be the *10-year rule* dating from the entry into force of the Convention for the submitting State.

7. Nature and scope of the data and information to be submitted to the Commission

23. In 1999, the Commission adopted its Scientific and Technical Guidelines in final form. The Guidelines are intended to provide assistance to coastal States regarding the nature and scope of the data and information to be included in their submission to the Commission.

24. The Scientific and Technical Guidelines are of a highly scientific nature. They deal with geodetic and other methodologies stipulated in article 76 for the establishment of the outer limit of the continental shelf, using such criteria as determination of the foot of the slope of the continental margin, sediment thickness and structure of submarine ridges and other underwater elevations.

8. Some issues to be highlighted

25. Although no submissions have yet been received, the Commission is aware that the process of preparing a submission is at an advanced stage in some coastal States. At the same time, the Commission feels that it is its duty to highlight some challenges to and opportunities for all States in order to facilitate the process of establishing the outer limits of the continental shelf under the Convention. Some of these challenges and opportunities are the following:

- The opportunity for certain coastal States to establish their continental shelf beyond 200 miles;
- The existence of a time limit for presentation of submissions;
- The complexity of the scientific and technical data to be obtained and submitted to the Commission;
- The wide variety in types of continental margins in different areas of the oceans, as well as the ways of applying the criteria contained in the Convention;
- The complexity of gathering the technical and scientific expertise to prepare a submission, and the procedure for its preparation and submission to the Commission.

26. Because of the challenging task ahead of those coastal States that intend to prepare a submission, my colleagues on the Commission have prepared presentations on several of the most important and difficult aspects of the work facing coastal States in this endeavour. As may be seen from the programme, the Commission hopes to give general directions to assist States in preparing their submissions.

27. In order to do so, the members of the Commission will present today a number of detailed explanations of the most important aspects of the delineation of the continental shelf in accordance with the provisions of article 76, and the submission of that delineation to the Commission. Included among the presentations are the mandate and work of the Commission, the procedure that the Commission will follow in considering the submissions made by States to the Commission, as well as of the scientific and technical standards necessary for the preparation of those submissions. There will also be a presentation on the geographic scope and scientific challenges posed by article 76 and an outline to simplify for States the preparation of a national submission.

28. The Commission hopes that the presentations given, combined with the opportunity for question-and-answer periods, will prove useful to those attending this meeting and aid them in the difficult process of preparing submissions for the delineation of the outer limits of their continental shelf beyond 200 miles.